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| EXAMINER |
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THEIN, MARIA TERESA T

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| ART UNIT | PAPER NUMBER |
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3627

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03/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/676,346 | | JUDICIBUS ET AL. | |
| | Examiner | | Art Unit | |
| | MARISSA THEIN | | 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicants' "Office Action Response" filed on December 2, 2009 has been considered.

Applicants' response by virtue of amendment to claims 13 and 18 has overcome the Examiner's objection.

Applicants' response has overcome the Examiner's rejection under 35 U.S.C. 112, second paragraph.

Claims 13 and 18 are amended. Claims 13-22 remain pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2007/0027803 to Brandes et al. in view of U.S. Patent Application Publication No. 2002/0120585 to Talker.

Regarding claims 13 and 18, Brandes discloses a method and a computer program product for booking and paying a retailer comprising a Point of Sale connected to a transaction server, said method comprising: said transaction server (first server, paragraph 24) receiving a SMS message (Short Message Center, paragraph 93) from a

wireless device of a user (first message received from a payer identified, paragraph 46), said SMS message comprising a retailer identification identifying the retailer (admissible identification code of an associated payee, paragraph 28), said transaction server comprising a retail identifier that identifies the retailer, a first user telephone number of the wireless device of the user, and confidential user information for implementing a transaction between the retailer and the user, said confidential user information comprising a first user identification identifying the user (paragraph 96; paragraph 140); said transaction server receiving, from a carrier transporting the SMS message to the retailer, a second user telephone number of the wireless device of the user (paragraph (paragraph 150; paragraph 93); said transaction server verifying that the second user telephone number matches the first user telephone number and that the retailer identification matches the retailer identifier (paragraph 46; paragraph 141); after said verifying, said transaction server sending the confidential user information to the POS (Figure 1 ref, no. 15, paragraphs 136-137) comprised by the retailer (paragraph 73; paragraph 56); and after said sending the confidential user information, said transaction server receiving from the retailer payment information comprising a fee required to be paid by the user to the retailer with respect to the transaction (paragraph 136), said receiving the payment information occurring after the user had entered a second user identification identifying the user (paragraphs 161-162).

However, Brandes does not explicitly disclose the user had entered on the POS a second user identification identifying the user and the retailer had confirmed that the second user identification matched the first user identification. Brandes disclose the

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first telecommunication means selectively communicate the first server with a digital mobile telephone unit identified by an admissible telephone number of an associated payer and with a telecommunication terminal identified by an admissible identification code of an associated payee and the telecommunication means comprising a plurality of telecommunication equipments (paragraph 25). Brandes discloses the first server comprising first verifying means for verifying in the data storage means whether a first message received through the telecommunication means contains an admissible telephone number of an associated payer and an admissible identification code of an associated payee, said first verifying means generating a first acceptance message when they detect an admissible identification code and an admissible telephone number; second verifying means for verifying in the data storage means whether a transaction authorization request received through the telecommunication means in addition to the admissible telephone number detected by the first verifying means, satisfies said pre-established authorization criterion, said second verifying means generating a second acceptance message when the authorization request satisfies said authorization criterion; third verifying means for verifying in the first data storage means whether a safety parameter received through the telecommunication means satisfies the safety criterion associated to the admissible telephone number detected by the first verifying means, said third verifying means generating a third acceptance message when they detect that the safety parameter satisfies the safety criterion associated to the admissible telephone number (paragraphs 28-30).

Talker, on the other hand, teaches the user had entered on the POS a second user identification identifying the user (paragraph 37; paragraph 79) and the retailer had confirmed that the second user identification matched the first user identification (abstract, paragraphs 16-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and computer program product of Brandes, to include the retailer had confirmed that the second user identification matched the first user identification, as taught by Talker, in order to verify the user's identity (Talker, paragraph 13).

Regarding claims 14-17 and 19-22, Brandes discloses prior to said receiving the SMS message, said transaction server storing the first user telephone number and the confidential user information (paragraph 26; paragraph 140); storing including storing the retailer identification (paragraph 26; paragraph 46); after said receiving from the retailer payment information, transaction server communicating with a banking server (account management means) to perform a financial settlement of the transaction based on the payment information (paragraphs 161-62); and said transaction server encrypting the confidential user information, and wherein said sending the confidential user comprises said transaction sending the encrypted confidential user information to the POS comprised by the retailer (paragraph 58; paragraph 73).

Response to Arguments

Applicant's arguments filed December 2, 2009 have been fully considered but they are not persuasive.

Applicants' remark that "Talker does not teach or suggest the feature: "said transaction server receiving a Short Messaging Service (SMS) message from a wireless device of a user, ... said transaction server receiving, from a carrier transporting the SMS message to the retailer, said SMS message comprising a retailer identification identifying the retailer".

Examiner does not agree. The combination of Brandes and Talker does teach the recitation above. Specifically, Brandes teaches selectively receiving, through telecommunication means, in a payment and transaction center, a first message a first message comprising an identification code of a payee (paragraph 76). Brandes further teaches common short message centers, as well as specifically designed message centers which will be used for the present transaction and payment system in order to permit synchronous communication between mobile telephones and the transaction and payment center. Said centers will be used in all short message communications ended in a mobile telephone. (Paragraph 93) The first message received from a payer (paragraph 46).

Such receiving, through telecommunication means, in a payment and transaction center, a first message a first message comprising an identification code of a payee; the first message received from a payer; and common short message centers, as well as specifically designed message centers which will be used for the present transaction and payment system in order to permit synchronous communication between mobile telephones and the transaction and payment center are considered "said transaction server receiving a Short Messaging Service (SMS) message from a wireless device of a

user, ... said transaction server receiving, from a carrier transporting the SMS message to the retailer, said SMS message comprising a retailer identification identifying the retailer".

Applicants remark that "Brandes in view of Talker does not teach or suggest the feature: said transaction server receiving a Short Messaging Service (SMS) message from a wireless device of a user,... said transaction server receiving, from a carrier transporting the SMS message to the retailer, a second user telephone number of the wireless device of the user".

Examiner does not agree. The combination of Brandes and Talker does teach the recitation above. Specifically, Brandes teaches a first telecommunication means selectively communicate the first server with a digital mobile telephone unit identified by an admissible telephone number of an associated payer and with a telecommunication terminal identified by an admissible identification code of an associated payee (paragraph 25). Brandes teaches selectively receiving, through telecommunication means, in a payment and transaction center, a first message a first message comprising an identification code of a payee (paragraph 76). Brandes teaches the seller by means of the equipment establishes a communication with a transaction and payment center in order to request authorization of a transaction (paragraph 136). In the communication, a collection order that contains the buyer's MSISN (Mobile Station International Number Integrated Services Digital Network Number (paragraph 135)) or the number related thereto is transmitted (paragraph 136). Brandes further teaches common short message centers, as well as specifically designed message centers which will be used

for the present transaction and payment system in order to permit synchronous communication between mobile telephones and the transaction and payment center. Said centers will be used in all short message communications ended in a mobile telephone. (Paragraph 93) The first message received from a payer (paragraph 46). Furthermore, Brandes teaches a payer wishes to carry out a transaction in favor of a payee, a communication is established with the short message center (paragraph 210). The short message center (18) is in the transaction and payment center (17) (Figure 6). The payment order contains the payee's telephone number or the number related thereto is transmitted in the communication and furthermore, the amount of the transaction whose authorization is being requested is transmitted (paragraph 211). In this case, the transaction and payment center stores the data corresponding to the payees in its databanks (paragraph 212). The server verifies the secret code sent by the payee and in the event that the result of the verification of both secret identification codes corresponding to the payer and the payee is positive the amount of the transaction is subtracted from the payer's purse credit account (paragraph 218). In order to make a purchase, it is necessary for the seller and buyer to be subscribed to a transaction and payment center, for which purpose each buyer is assigned a secret code that is related to his mobile telephone number (paragraph 134).

Such first telecommunication means which selectively communicate the first server with a digital mobile telephone unit identified by an admissible telephone number of an associated payer and with a telecommunication terminal identified by an admissible identification code of an associated payee; selectively receiving, through

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telecommunication means, in a payment and transaction center, a first message a first message comprising an identification code of a payee; first message is from a payer; seller by means of the equipment establishes a communication with a transaction and payment center in order to request authorization of a transaction; communication which includes a collection order that contains the buyer's MSISN or the number related thereto is transmitted; common short message centers, as well as specifically designed message centers which will be used for the present transaction and payment system in order to permit synchronous communication between mobile telephones and the transaction and payment center; payer wishing to carry out a transaction in favor of a payee, a communication is established with the short message center; short message center which is in the transaction and payment center; payment order containing the payee's telephone number or the number related thereto is transmitted in the communication and furthermore, the amount of the transaction whose authorization is being requested is transmitted; server verifying the secret code sent by the payee and in the event that the result of the verification of both secret identification codes corresponding to the payer and the payee is positive the amount of the transaction is subtracted from the payer's purse credit account; buyer is assigned a secret code that is related to his mobile telephone number are considered "transaction server receiving a Short Messaging Service (SMS) message from a wireless device of a user,... said transaction server receiving, from a carrier transporting the SMS message to the retailer, a second user telephone number of the wireless device of the user".

Applicants remark that "Brandes in view of Talker does not teach or suggest the feature: said transaction server sending the confidential user information to the POS comprised by the retailer".

Examiner does not agree. The combination of Brandes and Talker does teach the recitation above. Specifically, Brandes teaches a payer wishes to carry out a transaction in favor of a payee, a communication is established with the short message center (paragraph 210). The short message center (18) is in the transaction and payment center (17) (Figure 6). The payment order contains the payee's telephone number or the number related thereto is transmitted in the communication and furthermore, the amount of the transaction whose authorization is being requested is transmitted (paragraph 211). In this case, the transaction and payment center stores the data corresponding to the payees in its databanks (paragraph 212). The server verifies the secret code sent by the payee and in the event that the result of the verification of both secret identification codes corresponding to the payer and the payee is positive the amount of the transaction is subtracted from the payer's purse credit account and the amount of the transaction is credited to the payee's purse/credit account (paragraph 218). In order to make a purchase, it is necessary for the seller and buyer to be subscribed to a transaction and payment center, for which purpose each buyer is assigned a secret code that is related to his mobile telephone number (paragraph 134). The server (20) has authorizing means (20d) which when it receives the three authorization messages, it authorizes some account management means (20e) included in the server (20) to subtract the amount of the transaction from the

buyer's purse/credit account and to credit said amount to the seller's account; and it transmits the confirmation of the transaction to the seller's (15) terminal as well as to the buyer's (13) mobile telephone (16) (paragraph 162). Examiner notes when an authorization of account management is occurs, access rights must be granted in order to exchange funds. Therefore, confidential information must be given to the payee in order to receive payment or grant or approve transaction.

Such payer wishing to carry out a transaction in favor of a payee, a communication is established with the short message center; short message center which is in the transaction and payment center; payment order containing the payee's telephone number or the number related thereto is transmitted in the communication and furthermore, the amount of the transaction whose authorization is being requested is transmitted; and server verifying the secret code sent by the payee and in the event that the result of the verification of both secret identification codes corresponding to the payer and the payee is positive the amount of the transaction is subtracted from the payer's purse credit account are considered "transaction server sending the confidential user information to the POS comprised by the retailer".

Applicants remark that "Brandes in view of Talker does not teach or suggest the feature: said transaction server receiving from the retailer payment information comprising a fee required to be paid by the user to the retailer with respect to the transaction, said receiving the payment information occurring after the user had entered on the POS a second user identification identifying the user and the retailer had confirmed that the second user identification matched the first user identification".

Examiner does not agree. The combination of Brandes and Talker does teach the recitation above. Brandes was cited for teaching "said transaction server receiving from the retailer payment information comprising a fee required to be paid by the user to the retailer with respect to the transaction". Brandes teaches the seller establishes communication with a transition and payment center in order to request authorization of a transaction. The communication contains a collection order which includes the amount of the transaction whose authorization is being requested. (Paragraph 136) Furthermore Brandes teaches a safety criterion associated to each admissible telephone number and known to the payer identified by the admissible telephone number, may be a secret identification code, such as an alphanumeric code as for example a PIN code, stored in the first data storage means. In this case, the third identification means are designed to verify, in a manner known per se, if a safety parameter received from a digital mobile telephone of a payer involved in an transaction, corresponds to said code, by means of one of the following verification methods which are applied according to the kind of safety criterion associated to said admissible telephone number (paragraph 56).

Such seller establishes communication with a transition and payment center in order to request authorization of a transaction; and communication contains a collection order which includes the amount of the transaction whose authorization is being requested are considered said "transaction server receiving from the retailer payment information comprising a fee required to be paid by the user to the retailer with respect to the transaction".

The Examiner then turns to Talker to teach "said receiving the payment information occurring after the user had entered on the POS a second user identification identifying the user and the retailer had confirmed that the second user identification matched the first user identification". Talker teaches an Entity (buyer, user) inputs an action PIN into the Action Initiating Party input devices (POS of retailer). The verification processes are processed on-line using communication link. The Action Initiation Request will be sent to the Verification Authority after the Entity has initiated the action. (Paragraph 79)

Such Entity inputting an action PIN into the Action Initiating Party input devices (POS of retailer); verification processes; and the Action Initiation Request will be sent to the Verification Authority after the Entity has initiated the action are considered "said receiving the payment information occurring after the user had entered on the POS a second user identification identifying the user and the retailer had confirmed that the second user identification matched the first user identification".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marissa Thein/
Examiner, Art Unit 3627
March 1, 2010

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